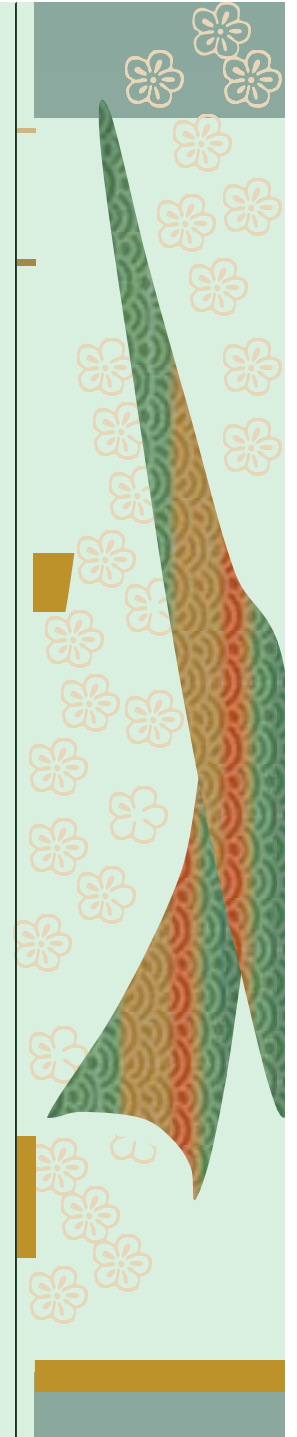


RCRA and Revitalization – Making Cleanup a Bridge to Reuse

November 14, 2002

Susan Bromm
Deputy Director
Office of Site Remediation Enforcement
US EPA

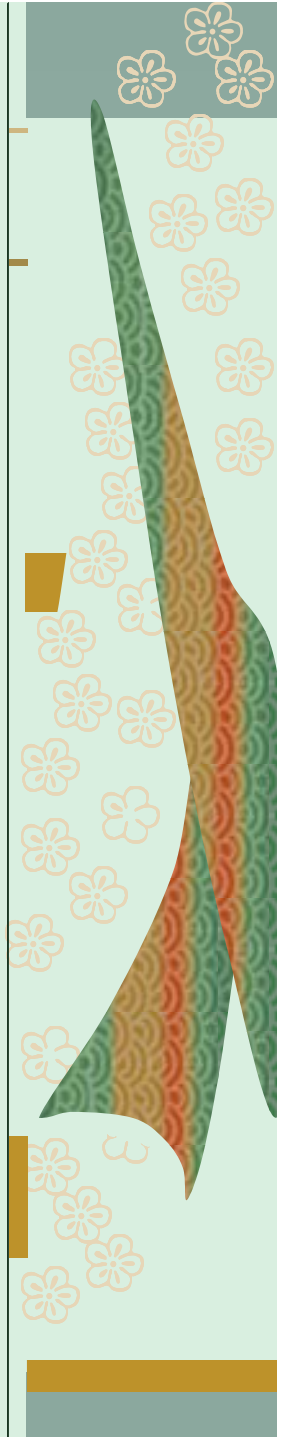


Overview

- The Small Business Liability Relief and Brownfields Revitalization Act of 2001—Its Impact on RCRA Sites
- The RCRA Completion Guidance
- The Use of RCRA PPAs in Brownfields Redevelopment
- Parceling at RCRA Sites
- Update on a RCRA Brownfields Prevention Pilot - The Milt Adams Site

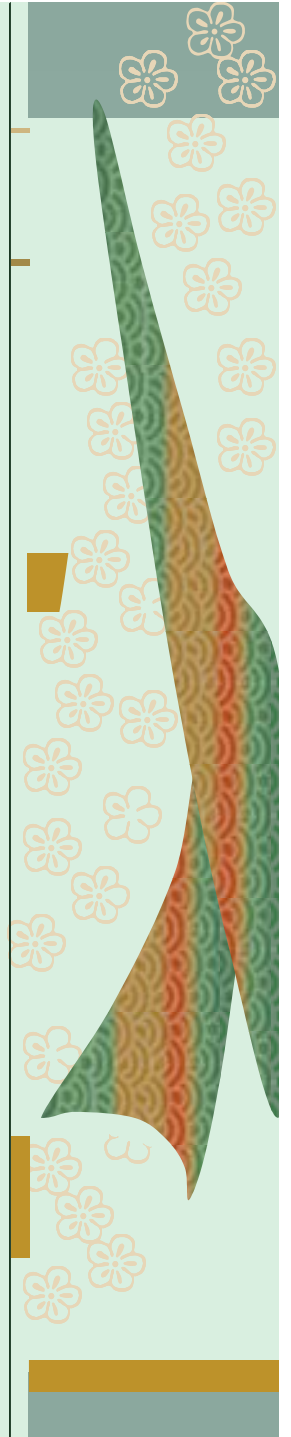
The Brownfields Revitalization Act – It's Impact on RCRA Sites

- The Small Business Liability Relief and Brownfields Revitalization Act of 2001 was signed by President Bush on January 11, 2002
- The act defines brownfield sites as: “Real property, the expansion, redevelopment, or reuse of which may be complicated by the presence or potential presence of a hazardous substance, pollutant, or contaminant.”
- For the first time, the Act provides the opportunity for assessment, clean-up, and revolving loan fund grant money to eligible entities of RCRA facilities—
- However, there are certain criteria which must be met—



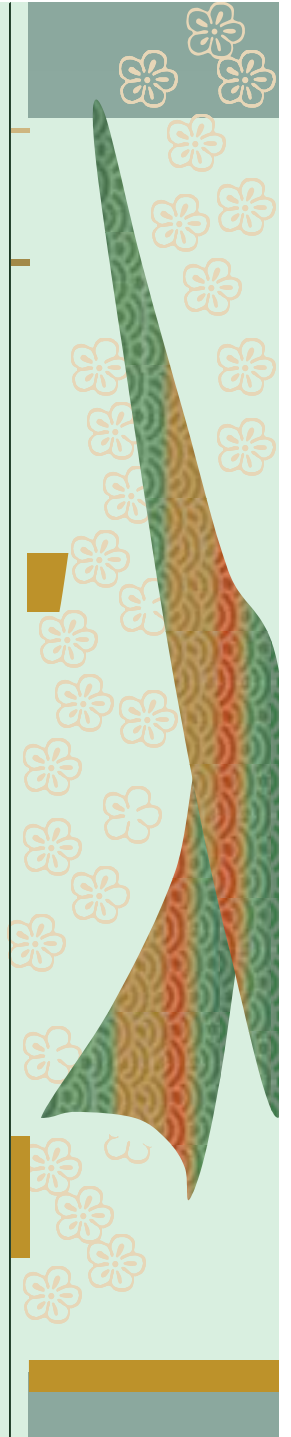
The Brownfields Revitalization Act

- RCRA generator sites and RCRA TSDFs are brownfields for purposes of eligibility for grants and the enforcement bar unless they fall within one the exclusions.....



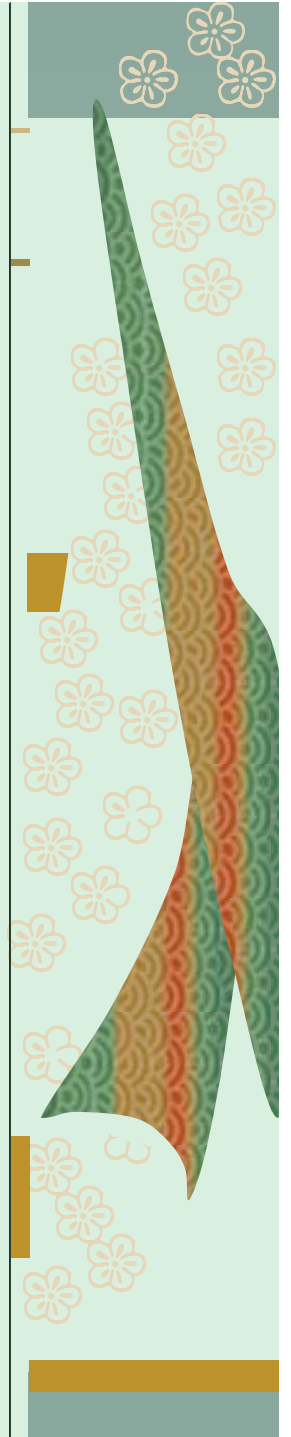
RCRA Facilities That Are **Excluded** From the Definition

- RCRA permitted facilities;
- RCRA interim status facilities with administrative orders requiring the facility to conduct corrective action or otherwise address contamination, including facilities with orders issued under RCRA § 3008(a), § 3008(h), § 3013, and § 7003;
- Facilities under court order or under an administrative order on consent or judicial consent decree under RCRA or CERCLA that requires the facility to conduct corrective action or otherwise address contamination at the facility;
- Land disposal units that have notified EPA or an authorized state of their intent to close and have closure requirements specified in closure plans or permits.



However:

- The Act provides that these excluded sites are still eligible for grant money if the applicant can demonstrate that the funding will ensure protection of human health and the environment and promote economic development, or the preservation of green space.
- EPA will consider providing funding to an applicant for assessment or cleanup activities at such a site on a property specific basis.



Enforcement Bar

- Section 128(b) provides protection from enforcement actions under CERCLA Sections 106(a) and 107(a) for persons conducting a response action at a brownfields site if that person is in compliance with a State program which specifically governs such response actions for protection of public health and the environment.
- Exceptions do apply to this bar.